

April 23, 2004

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IN THE SUPREME COURT OF THE STATE OF IDAHO  
2004 Opinion No. 45

NAMPA CHARTER SCHOOL, INC.,	)	
	)	
Plaintiff-Appellant-Cross Respondent,	)	
	)	
v.	)	Docket No. 29451
	)	
CONRAD DELAPAZ and ERSILIA DELAPAZ,	)	
husband and wife,	)	
	)	
Defendants-Respondents-Cross Appellants.	)	
	)	

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Appeal from the District Court of the Third Judicial District of the State of Idaho,  
Canyon County. Hon. James C. Morfitt, District Judge.

The decision of the district court dismissing the case for failure to state a cause of  
action is affirmed.

Lynch & Associates, Boise, for appellants.

Eberle, Berlin Kading, Turnbow & McKlveen, Chtd., Boise, for respondent.

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Nampa Charter School, Inc. was incorporated as a non-profit corporation under  
the Public Charter School Act of 1998.

Ersilia DeLaPaz was an employee of the charter school, but her employment was  
terminated for refusing to follow directions and not being competent to perform her  
bookkeeping tasks. The charter school filed a complaint against Ms. DeLaPaz alleging  
libel and slander, as well as tortious interference with statutory duties, and requested  
injunctive relief. Specifically, the school claimed Ms. DeLaPaz made false and  
defamatory statements concerning the professional reputation of the school's  
administrator and attempted to "bring down the charter" by writing defamatory letters,  
making false statements about the special education teachers, and disrupting classrooms.

The district court dismissed the case for failure to state a claim for relief.

Under the Public Charter School Act of 1998, a charter school can sue or be sued “to the same extent and on the same conditions as a public school district.” The Court relied on this provision to hold that the school could not sue Ms. DeLaPaz for libel and slander because her speech related to a matter of public concern. In addition, the Court held that the school could not obtain an injunction preventing Ms. DeLaPaz from writing letters or speaking on a matter of public concern because such an injunction would be a prior restraint on free speech, and affirmed the decision of the district court.